



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,808	07/09/2003	Wayne L. Bilodeau	AVERP3299USA	1464

7590 07/06/2005
William C. Tritt
Renner, Otto, Boisselle & Sklar, LLP
Nineteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115-2191

EXAMINER

DESAI, ANISH P

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,808

Applicant(s)

BILODEAU, WAYNE L.

Examiner

Anish Desai

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 17, 19, 22-28, 30, 37, and 42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-37 are drawn to a label comprising (A) a polymer face stock having an upper surface and a lower surface; and (B) an adhesive layer derived from at least one two-part, high solids curable adhesive overlying the lower surface of the polymer face stock, classified in class 428, subclass 343+.

II. Claims 38-41 are drawn to a labeling process comprising the steps of (A) providing a substrate; (B) coating two-part, high solids curable adhesive to one surface or a polymeric face stock; and (C) applying the adhesive coated surface of the polymeric face stock to the substrate, classified in class 156, subclass various.

1. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as product (i.e. label) and process of use (i.e. labeling process). The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)).

In the instant case the process of using the product (i.e. label) as claimed can be practice with another materially different product such as an appliqué. The appliqué can be a wood veneer. Wood veneer is materially different product than a label. One surface of the appliqué is coated with adhesive and adhesive coated surface of the

Art Unit: 1771

appliqué is then pasted onto a substrate such as an automobile trim panel (e.g. side door or dash board).

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

3. Applicant's election with traverse of Group I (claims 1-37) in the reply filed on May 16th 2005 is acknowledged. The applicant has added a new claim 42, which depends on the claim 25 and he/she has requested that the examiner examine the new claim 42 along with the elected claims 1-37. Examiner is accepting applicant's request and will examine the claim 42 along with claims 1-37.

4. Further restriction to one of the following inventions is required under U.S.C. 121:

5. Claim 17 is generic to a plurality of disclosed patentably distinct species comprising an (a) epoxy resin and a carboxylic acid or a carboxylic anhydride or a mixture of two or more thereof, (b) a cyclic anhydride and a primary amine', (c) an oxazoline and a primary amine, a carboxylic acid or a carboxylic anhydride or a mixture of two or more thereof, (d) a carbodiimide and primary amine or a carboxylic acid', or (e) an isocyanate and a primary amine, an alcohol or a carboxylic acid, or a mixture of two or more thereof, or (f) a mixture of two or more of (a)-(e).

6. Claim 19 is generic to plurality of disclosed patentably distinct species comprising a primary amine, diamine or polyaminea' or a carboxylic acid, dicarboxylic acid, polycarboxylic acid, or an anhydride of such acid.

Art Unit: 1771

7. Claim 22 is generic to a plurality of disclosed patentably distinct species comprising a maleated polyolefin, terephthalic anhydride, naphthalic anhydride', pyromellitic dianhydride; 2,3,6,7-naphthalene tetracarboxylic dianhydride; 3,3',4,4'-diphenyl tetracarboxylic dianhydride', 1,2,5,6-naphthalene tetracarboxylic dianhydride', 2,2',3,3'-diphenyl tetracarboxylic dianhydride; 2,2-bis(3,4-dicarboxyphenyl) propane dianhydride', bis(3,4-dicarboxyphenyl) sulfone dianhydride', 3,4,9,10-perylene tetracarboxylic dianhydride', bis(3,4-dicarboxyphenyl) ether dianhydride', naphthalene-1,2,4,5-tetracarboxylic dianhydride', naphthalene-1,4,5,8-tetracarboxylic dianhydride', 2,6-dichloronaphthalene-1,4,5,8-tetracarboxylic dianhydride', 2,7-dichloronaphthalene-1,4,5,8-tetracarboxylic dianhydride; 2,3,6,7-tetrachloronaphthalene-1,4,5,8-tetracarboxylic dianhydride; phenanthrene-1,8,9,10-tetracarboxylic dianhydride', 2,2-bis(2,3-dicarboxyphenyl) propane dianhydride', 1,1-bis(2,3-dicarboxyphenyl) ethane dianhydride', 1,1-bis(2,3-dicarboxyphenyl) ethane dianhydride, 1,1-bis(3,4-dicarboxyphenyl) ethane dianhydride; bis(2,3-dicarboxyphenyl) methane dianhydride', bis(3,4-dicarboxyphenyl) methane dianhydride', bis(3,4-dicarboxyphenyl) sulfone dianhydride', benzene-1,2,3,4-tetracarboxylic dianhydride; 3,4,3',4'-benzophenone tetracarboxylic dianhydride; 2,3,2',3'-benzophenone tetracarboxylic dianhydride', 2,3,3',4'-benzophenone tetracarboxylic dianhydride', pyrazine-2,3,5,6-tetracarboxylic dianhydride', thiophene-2,3,4,5-tetracarboxylic dianhydride or mixtures of two or more of the foregoing.

Art Unit: 1771

8. Claim 23 is generic to a plurality of disclosed patentably distinct species comprising methylene dianiline, meta-phenylene diamine, paraphenylene diamine, 4,4'-diaminodiphenyl sulfone, 3,3'-diaminodiphenyl sulfone, 4,4'-diaminodiphenyl oxide, 2,4-diaminotoluene, 3,3'-diaminodiphenyl methane, 1,3-diamino propane, 1,4-diamino butane, 1,6-diamino hexane, 1,8-diamino octane, 1,12-diamino dodecane. or mixtures of two or more thereof.
9. Claim 24 is generic to a plurality of disclosed patentably distinct species comprising oxazoline; and a primary amine, a carboxylic acid or anhydride or a mixture of two or more thereof.
10. Claim 25 is generic to a plurality of disclosed patentably distinct species comprising 4,4', 5,5'- tetrahydro-2,2'-bisoxazole; a 2,2'-(alkanediyl) bis [4,5-dihydrooxazol], 2,2'-(arylene) bis[4,5-dihydrooxazole], a alkylene bis 2-(arylene) [4,5-dihydrooxazole], a 2,2'.2''-(arylene) tris [4,5-dihydrooxazole], oligomeric materials with pendent oxazoline groups or mixtures of two or more thereof.
11. Claim 26 is generic to plurality of disclosed patentably distinct species comprising carboxylic acid or anhydride that comprises a maleated polyolefin, terephthalic anhydride, naphthalic anhydride', pyromellitic dianhydride', 2,3,6,7-naphthalene tetracarboxylic dianhydride', 3,3',4,4'-diphenyl tetracarboxylic dianhydride', 1,2,5,6-naphthalene tetracarboxylic dianhydride; 2,2',3,3'-diphenyl tetracarboxylic dianhydride', 2,2-bis(3,4-dicarboxyphenyl) propane dianhydride', bis(3,4-dicarboxyphenyl) sulfone dianhydride; 3,4,9,10-perylene tetracarboxylic dianhydride', bis(3,4-dicarboxyphenyl) ether dianhydride', naphthalene-1,2,4,5-tetracarboxylic

Art Unit: 1771

dianhydride', naphthalene-1,4,5,8-tetracarboxylic dianhydride', 2,6-dichloronaphthalene-1,4,5,8-tetracarboxylic dianhydride', 2,7-dichloronaphthalene-1,4,5,8-tetracarboxylic dianhydride', 2,3,6,7-tetrachloronaphthalene-1,4,5,8-tetracarboxylic dianhydride; phenanthrene; 1,8,9,10-tetracarboxylic dianhydride', 2,2-bis(2,3-dicarboxyphenyl) propane dianhydride; 1,1-bis(2,3-dicarboxyphenyl) ethane dianhydride; 1,1-bis(3,4-dicarboxyphenyl) ethane dianhydride', bis(2,3-dicarboxyphenyl) methane dianhydride; bis(3,4-dicarboxyphenyl) methane dianhydride; bis(3,4-dicarboxyphenyl) sulfone dianhydride; benzene-1,2,3,4-tetracarboxylic dianhydride; 3,4,3',4'-benzophenone tetracarboxylic dianhydride; 2,3,2',3'-benzophenone tetracarboxylic dianhydride; 2,3,3',4'-benzophenone tetracarboxylic dianhydride; pyrazine-2,3,5,6-tetracarboxylic dianhydride; thiophene-2,3,4,5-tetracarboxylic dianhydride, the corresponding acids of any of the foregoing anhydrides, or mixtures of two or more of the foregoing.

12. Claim 27 is generic to plurality of disclosed patentably distinct species comprising methylene dianiline, meta-phenylene diamine, paraphenylene diamine, 4,4'-diaminodiphenyl sulfone, 3,3'-diaminodiphenyl sulfone, 4,4'-diaminodiphenyl oxide, 2,4-diaminotoluene, 3,3'-diaminodiphenyl methane, 1,3-diamino propane, 1,4-diamino butane, 1,6-diamino hexane, 1,8-diamino octane, 1,12-diamino dodecane or mixtures of two or more thereof.

13. Claim 28 is generic to plurality of disclosed patentably distinct species comprising a carbodiimide; primary amine, carboxylic acid, or a mixture of two or more thereof.

Art Unit: 1771

14. Claim 30 is generic to plurality of disclosed patentably distinct species comprising methylene dianiline, meta-phenylene diamine, paraphenylene diamine, 4,4'-diaminodiphenyl sulfone, 3,3'-diaminodiphenyl sulfone, 4,4'-diaminodiphenyl oxide, 2,4-diaminotoluene, 3,3'-diaminodiphenyl methane, 1,3-diamino propane, 1,4-diamino butane, 1,6-diamino hexane, 1,8-diamino octane, 1,12-diamino dodecane or mixtures of two or more thereof.

15. Claim 37 is generic to plurality of disclosed patentably distinct species comprising (a) an epoxy resin and a primary amine, a carboxylic acid or a carboxylic anhydride or a mixture of two or more thereof, (b) a cyclic anhydride and a primary amine; (c) an oxazoline and a primary amine, a carboxylic acid or a carboxylic anhydride or a mixture of two or more thereof; (d) a carbodiimide and primary amine or a carboxylic acid, or (e) an isocyanate and a primary amine, an alcohol or a carboxylic acid, or (Q a mixture of two or more thereof; or a mixture of two or more of (a)-(e).

16. Claim 42 is generic to plurality of disclosed patentably distinct species comprising 2,2'-(1,4-butanediyl) bis [4,5-dihydrooxazole], 2,2'-(1-methyl-1,3-propanediyl) bis (4,5-dihydrooxazole), 2,2'-(1,4-phenylene) bis [4,5-dihydrooxazole], 2,2'-(1,5-naphthalenyl) bis [4,5-dihydrooxazole], 2,2'-(1,8-anthracenyl) bis (4,5-dihydrooxazole), methylene bis 2-(1,4-phenylene) [4,5-dihydrooxazole], 2,2',2''-(1,3,5-phenylene) tris[4,5-dihydrooxazole], poly (2-alkenyl) 4,5-hydrooxazole), or mixtures of two or more thereof.

17. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Art Unit: 1771

18. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

19. Due to the complexity involved in the election of species requirement, a telephone call was not placed to Mr. William Tritt to request an oral election.

20. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

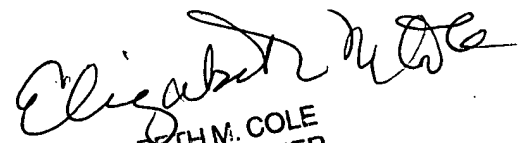
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Desai whose telephone number is 571-272-6467. The examiner can normally be reached on Monday-Friday, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

apd


ELIZABETH M. COLE
PRIMARY EXAMINER